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THIS DAY IS PUBLISHED,
A New Theory,

OF
THE DIURNAL ROTATION OF THE EARTH:

Demonstrated upon Mathematical Principles, from the properties of the Cycloid and the Epicycloid.

WITH
 AN APPLICATION OF THE THEORY, To the explanation of the various Phenomena of the Winds, Tides and of those Stony and Metallic concretions which have fallen from Heaven upon the surface of the Earth.

By JOHN WOOD,
 Author of Elements of Perspective, printed in London, in 1799.

December 14.

THE SUBSCRIBERS having connected themselves in Business under the firm of

MURPHY & CRUMP,

Offer For Sale, in the store lately occupied by Mr. Wm. Temple, four doors above the Bell Tavern, a general and well selected Assortment of

GROCERIES, CHINA, GLASS, & STONE WARE, which they will sell low for cash or exchange for country produce.

They also tender their services to the public as

COMMISSION MERCHANTS. Any business committed to their care will be attended to with all possible dispatch.

WILL: MURPHY,
JOSEPH CRUMP,
 2nd 3rd

Richmond, December

North County, Oct. 21.

Wm.

THE SUBSCRIBER gives Notice, that with a view to the education of his own Children, he has determined to remove his family to the City of Richmond—He has rented the House at present occupied by the Chancellor, and proposes taking in 12 young boys or girls into his family as boarders.

He pledges himself that the most rigid attention shall be paid to the morals and general welfare of such as may be committed to his care. The situation he has chosen is high and healthy, and sufficiently convenient to the Academy. He expects to be in readiness to receive boarders by the 10th of January; in the mean time any communications on this subject may be addressed to him at Columbia.

His price for board is \$120 per annum; one third to be paid in advance, one third in six months, and the balance at the end of the year, each boarder finding his bed.

December 12.

RO. QUARLES,

Wm.

THE Subscriber wishes to hire for the ensuing year, five or six NEGRO COOPERS and a few Boys—He will also be in the habit of purchasing Tobacco of a good quality, for which the highest prices will be given.

December 14.

M. GRANTLAND,

Wm.

IN CHANCERY—Northumberland County Court, 14th November, 1809.

James Smith, pte. Against Elizabeth B. Baker, Virginia Baker, Walter Baker and Samuel Blackwell, defts.

The Defendants Elizabeth B. Baker, Virginia Baker and Walter Baker not having entered their appearance and given security according to the act of Assembly, and the rules of this court, and it appearing to the satisfaction of this court that they are not inhabitants of this state, on the motion of the plaintiff, it is decreed and ordered, That the said defendants appear here on the first day of March Court next, and answer the bill of the plaintiff, and that a copy of this order be forthwith inserted for two months successively in some newspaper published in the city of Richmond, and posted at the front door of the court-house of this county.

Attest

December 7.

FLEMING BATES, c. n. c.

Wm.

VIRGINIA to wit:—At a Chancery District Court held in the city of Williamsburg, the 23rd day of July 1809.

William Evans, Thomas R. Evans, Sally Evans, Peter and Elizabeth his wife, Thomas Evans and Dice Evans infants under the age of twenty-one years by Thomas R. Evans their next friend, Harry Gardner and Stephen Prince and Elizabeth his wife, Plaintiffs—Against William Blake, Thomas Evans, senior, John Evans and Thomas Evans, junior, Defts.

The defendant John Evans not having entered his appearance and given security according to the act of Assembly and the rules of this Court, and it appearing to the satisfaction of the Court, that he is not an inhabitant of this County on the motion of the Plaintiffs by their counsel, it is ordered, That the said defendant do appear here on the first day of the next term, and answer the bill of the Plaintiffs, and that a copy of this order be forthwith inserted in some newspaper of the city of Richmond for two months successively and posted at the front door of the former Capitol in this City.

A Copy.

Nov. 14.

ANTT. ROBINSON, c. n. c.

Wm.

Congress.

FROM THE NATIONAL INTELLIGENCER.

HOUSE OF REPRESENTATIVES.

DEBATE

ON THE JOINT RESOLUTION

Approving the conduct of the Executive in relation to the refusal to receive any further communication from Francis Jackson.

TUESDAY, DEC. 19.

In committee of the whole, Mr. BASSETT in the chair—

(Mr. Dana's speech continued.)

If the principle of approbation be considered as involving an equal right to censure, I make no objection to the resolution on that account. But on this subject I would be cautious, because I might censure wrongly. The President might have reasons for his conduct which I did not know; I would be cautious also, because if I should censure where censure ought not to be pronounced, I might do injury by concurring in a procedure tending to diminish the confidence of the nation in the Chief Magistrate.

But this is not a resolution merely approving the conduct of the President of the United States. It is not called for by any thing which has been done. It is not conformable to the true spirit of what has taken place. It is rather reproachful to the President than honoring him with praise. It is a denunciation of a foreign minister here accredited; it is expressed in language which your Chief Magistrate would not adopt in his message to Congress, and which he did not authorize in addressing our minister abroad. Sir, public ministers and other public men may be exposed to wrongs of two kinds, personal violence and violence done to their reputation. The case is rare indeed in which a public minister, a Secretary of State, or Head of any other department, commits an offence legally exposing him to corporal punishment. But on a question of decorum, should we permit ourselves to outrage it? When reprehending a violation of decorum, shall we ourselves violate it? Sir, I request you to look at the letter written by the Secretary of State, under the direction of the President, to our minister in London. I will not say that the Secretary of State in his letter to Mr. Pinkney meant to affirm that those printers in this country who publish matters affecting the reputation of a public minister might be prosecuted at common law here, and be subjected to fine and imprisonment at the discretion of the court; and yet, if that be not his meaning, where is the law to which a foreign minister could have recourse? But his language at least shows, that he considers a wrong done to the reputation of a public minister as an injury for which he may reasonably complain, as he may for a wrong done to his person, and that however freely our citizens may speak or publish their sentiments, it is not proper in our public acts to speak wantonly against any person coming here in a public character from a foreign government. When a public minister has been admitted to come here in the faith of an honorable reception, shall the National Legislature undertake to blast his character? Gentlemen will feel it as becoming them to be cautious of inflicting this wound on the reputation of a stranger, having a public trust of high distinction and thus honorably received by our administration, especially when they are not warranted by the course adopted on the part of the administration.

Let us then, sir, compare the language of this resolution with the language adopted by the President of the United States. The resolution charges "Francis J. Jackson, minister plenipotentiary of his Britannic majesty near the United States," with having used in official correspondence a language highly indecorous and insolent; and then, going on in form of elaborate climax, language still more insolent and affronting; next outrageous and premeditated insult; then a still more direct and aggravated insult and affront to the American people and their government—an insidious attempt to excite resentments and distrusts; and lastly, appealing through false or fallacious disguises. Let us now observe in what manner the President has thought proper to speak by the Secretary of State, with respect to what is called the appeal in the letter, headed "Circular," and purporting to be a letter from Mr. Jackson to the British consuls in the United States. After stating it in the letter to Mr. Pinkney, the Secretary of State remarks, "it can only be regarded as a virtual address to the American people of a representation previously addressed to their government; a proceeding which cannot fail to be seen in its true light by his sovereign." So much on that subject. With respect to the other, there is this general phraseology: "The observations to which so much extent has been given in this letter, with those contained in the correspondence with Mr. Jackson, will make you fully acquainted with the conduct and the character he has developed; with the necessity of the step taken in refusing further communications with him, and with the grounds on which the President instructs you to request that he may be immediately recalled. You are particularly instructed at the same time, in making those communications, to do it in a manner that will leave no doubt of the undiminished desire of the United States to unite in all the means the best calculated to establish the relations of the two countries on the solid foundation of justice, of friendship and of mutual interest." Considering this instruction as marking the disposition of the Executive, does the resolution before us correspond with that disposition as expressed in the letter to our minister at London or in the President's message to Congress at the opening of the present session?

Much has been said (not however on this floor) of some case or cases in which a similar course is supposed to have been deemed necessary; and a case has been mentioned of a minister from the court of Vienna in the reign of George the First. But as it has not been urged in this debate, I content myself at this time with observing, that the case of the imperial minister (De Palm) was essentially distinguished from the present, and that as far as I recollect it I find nothing to warrant the resolution before us.

I have some objection, however, to the present resolution, because it seems, although I do not here charge it as a fact, to have been too much copied from a precedent to be found in a resolution of a British House of Commons, respecting an affair materially different; and in some part there seems to have been copied a language better adapted to auxiliaries in pugilism than to the legislators of a great and enlightened republic, a language which the British parliament did not address to their king. A resolution was moved in the House of Commons for an address; and on that motion there was objection as to manner of expression, although the resolution was ultimately carried without a contradictory vote. But in the joint address of the Houses of Parliament to the King, the phraseology was varied, and they did not address him in the style of boxing familiarity.

Thus far, sir, I have considered the resolution before us as not warranted by the official language of the President of the United States and the Secretary of State. In addition to what has already been observed with this view, it is to be noted, that the President in his message to Congress, has not even mentioned Mr. Jackson's circular letter to the British consuls. This letter, indeed, and its being put into circulation, are noticed, but not with laborious hardness of phrase, in the letter of the 23d of November, from Secretary Smith to Mr. Pinkney. But the President of the United States did not regard the subject as worthy to be named by him, when giving to Congress information of the state of the union and recommending the measures necessary and expedient.

The President's message and the Secretary's letter appear expressive of a disposition to use language which should not in its manner be offensive to the British government itself, and to suspend proceedings of an hostile character until an answer may be received from that government. This resolution appears to be formed on directly opposite principles. What, sir, can Congress, can any men think it necessary to say that they will support the President in refusing to receive a communication from a foreign minister, or that they will support him with the whole force of the nation in so refusing? You do not expect the minister to force a communication on the President. This is too absurd and cannot be the real meaning of the resolution. The only manly idea intended to be conveyed by the resolution in this respect must be, that the Congress mean to support the President in a conflict with the British government eventually. Why, sir, is such language at the present time proposed for adoption, as if it were either necessary or expedient? The British government perhaps may not be perfectly satisfied with the conduct of this administration towards the minister from Great Britain to the U. States; and yet it might be thought proper to recall him; because unacceptable to the President of the U. S. because the President has requested his recall, and because under existing circumstances the further continuance of such a minister in this country might not be useful to the government that sent him. Do you wish to place the affair in such a state as to render it peculiarly difficult for the British government to recall him, except in prelude to war?

Do you approve the procedure of the President in causing application to be made by the Secretary of State in a style of guarded decorum, instructing the American minister at London to request the recall of the British minister who has been here received, and will you send a menace to accompany the request? In this view what is the proposed resolution, if it be any thing? What is meant by a solemn pledge to the world for calling into action the whole force of a nation, eventually against a foreign power? If language has certainty of meaning, it is a provisional defiance of war, solemnly made known to the world—a national challenge to battle. Have you weighed fully all that is implied in this defiance of war? Are you prepared to sustain it fully by all your means? Or can you say that you do not intend this? Is it possible that the representatives of the people of the U. S. can solemnly announce to the world a pledge to call into action the whole force of the nation, and yet that it can be all idle words? That in fact they intend to do no such thing as they promise? Are we indeed prepared to pronounce ourselves fallen thus low?

Considering gentlemen as serious in announcing this pledge to the world, and giving this national defiance to war, I ask what is to be the result of the conflict if we were not prepared for it, and how far are we prepared? This enquiry suggests an attention to the resolution under two different aspects, as we know the relations of Executive departments to be affected or varied according to views of peace or war. On questions of great national controversy, the department of state has in charge to attend to those gratifying themes, the rights, the honor and dignity of the nation and government. And these themes may be presented the more for public attention as the state of affairs becomes hostile until their most imposing influence over the public passions is realized amidst the operations of declared war. In a state of peace, the department of the Treasury may attract regard from the redundancy of revenue and extinction of debt, and projects of improvement. But the frown of war reverses the scene. On this department is now devolved the task of devising ways and means for supplying extraordinary expenditure or waste. The ungrateful subjects of attention are the exhaustion of the treasury—loans—taxation—the option of difficulties in procuring money—the choice between different modes of imposing pecuniary burdens on the people. If this resolution be pursued according to its import, additional charges on the people must be required. To give effect to the department of state, can you be willing to embarrass the department of the treasury?

There is another reason why we should be cautious. Can it be expedient for the public to make experiments tending to waste the national character? More than two years have elapsed since an interdictory proclamation was fulminated from the palace against the British navy. A squadron concerned in committing the offence mentioned in the proclamation, was suffered to remain for several months within the waters of the U. S. in open defiance of the executive interdiction and the exclusive right of territorial jurisdiction. There that squadron was suffered to remain, although the power given to the President by statute, I believe, extended to employing the military and naval forces of the U. S. and the militia at the President's discretion to compel respect to his proclamation. The offending squadron was suffered to remain there, notwithstanding the number, which the government had, of those highly recommended aquatic-terrene vehicles denominated gun-boats. The indignity then was greater than is to be found in the subject of this resolution. Yet the government did not then assert the paramount right of territorial sovereignty with effect. With such experience, what honor what utility is to be expected from passing this resolution now? What is to be expected but irritation without benefit, embarrassment without extrication? When they attend to your measures, will foreign powers believe that such a resolution proves your title to respect?

A further reason against the resolution is founded on the conduct of the President of the United States; it is the consideration, that he has not ordered the British minister, Mr. Jackson, to depart from this country. Until that order is given, no such resolution as the present, ought to be passed. The extraordinary spectacle is now exhibited of a minister accredited from a foreign government, who is denied the eminent, direct privilege of the diplomatic character, the privilege of communicating with the government to which he is sent, and yet is to enjoy the immunities which are auxiliary to the exercise of diplomatic functions. The case is novel in the proceedings of this country. It is so extraordinary, that the official publication of the refusal to receive communications from him might have been considered as a disavowal by the administration of his diplomatic character, and consequently as a deprivation of his characteristic immunities, had not a certificate of special safe-guard to the contrary been given by the administration. The case is clearly different from that of the Spanish minister, who, I believe, was admitted to have written communication with the administration, but was admonished, by authority from the President, not to appear in the city of Washington, who refused, however, to obey the admonition; but was suffered to come and remain, according to his avowed determination, within this extensive city, as he might find convenient, or for the interest of the king his master.

These are some of the reasons for which, although it were supposed correct in statement of facts, I am not prepared to vote in favor of the resolution on the table.

It is a consideration of a different nature, that the phraseology of the resolution tends to draw aside the attention by placing it on a basis which is objectionable, as being incorrect, not as in point of fact, but of principle. This, sir, leads me to consider the ligated subject of the powers of Mr. Erskine to negotiate and conclude the provisional arrangement of the last April. On this subject, I leave at once the greater part of the discussion between the Secretary of State and Mr. Jackson, as not distinctly exhibiting the specific character of the question. I consider a public minister not authorized in virtue of a general letter of credence, to stipulate any one thing to be done on the part of his government. If I understand the course of argument on the part of the Secretary of State, it seems to assume as a basis, that a public minister here accredited, is entitled to stipulate for his government, in virtue of his letter of credence, without further authority, or at least, that the government here should regard the minister, in virtue of his letter of credence, as authorized to conclude such stipulations, so as to be obligatory on the government giving the letter of credence. This I do not admit to be correct, either in principle or usage.

Permit me, sir, to call upon gentlemen to recur to the time when the public law of Christendom, in relation to diplomatic intercourse, may be considered as assuming regularity of character. I request gentlemen to recur with me to the epoch of the treaty of Westphalia. The great work of the learned Grotius on war and peace, first reduced to general system the body of public law in Europe. He was one of the great masters in science, who have appeared formed to rise above contemporary competitors in their respective spheres, and acknowledged beyond dispute to be greater than those preceding or succeeding them. As such, he was first made known with distinguishing honor by Gustavus A. Dolphus of Sweden, one of the greatest men and heroes of his age, or of the world. The work of Grotius was published in the year 1625; and the treaty of Westphalia was concluded in the year 1648, consisting of a treaty concluded at Munster, and another at Osnaburg within the circle of Westphalia, and both signed on the same day, being the result of a Congress composed of ambassadors, plenipotentiaries, ministers, delegates, commissioners, deputies, indeed almost, if not completely, every grade of description of governmental representation known in the whole christian world. The conclusion of the treaty put an end to conferences which had long held Europe in suspense, and terminated the famous thirty years war. Never before or since, I presume, were so many diplomatic characters assembled for negotiation or mediation, and such and so various interests to be arranged at one time by treaty. The great interests of the Catholic and reformed religions in Europe, the Emperor, the Electors, Princes and states of the Germanic body, France, Sweden, the States General, with the respective allies, all were concerned. Prussia was not then erected into a

kingdom, and Russia had not taken rank under the Great Peter among the civilized powers of Europe. From the nature of the affairs and the great number of public men from different portions of Europe, the famous Congress in Westphalia after the publication of Grotius had attained high distinction, served to make known and establish extensively the principles constituting the public rules of intercourse among the governments of the christian world.

We are now called upon to pronounce respecting a question, depending on those rules of intercourse as recognized and illustrated by national usage. What is the principle, that protects and sustains in full immunity the ministers of the United States in Britain, in France, in Russia, or in any part of the civilized world? It is the respect due to those rules, a respect which the various governments, of whatever form, have concurred in manifesting and enforcing. Nor can we claim to hold a course in diplomacy incompatible with such national usage, unless we strike ourselves out of the general pale of Christendom.

This question therefore is to be considered not merely as an abstract discussion; but we have now to enquire, what is a letter of credence according to the public law and diplomatic usage of Europe? Is it an authority for stipulating any thing to be done on the part of the government sending the minister? If it be, I request to know the proof? According to my apprehension, it is not; and I desire gentlemen to enlighten me on this point if I err. If this opinion be erroneous, I should hope it might be made evident with respect to myself, that I may not continue in error. From whatever source there can be derived any aid to ascertain the true principle, if gentlemen honored by especial confidence respecting affairs of state, if any of the law officers or even members of the cabinet, would be pleased to contribute to the stock of legislative information, I solicit the correction of any error, if indeed I err, on this topic.

With these sentiments, I do not prepose for discussion any question respecting the negative knowledge of the administration. I do not enquire, whether the Executive administration of the U. States had a knowledge that Mr. Erskine had not competent powers, or had a knowledge that he was not instructed to accede to the provisional arrangement between him and the administration in April. The question is, did the administration know that Mr. Erskine had the necessary authority? The question is not, what was the ignorance, but what was the knowledge of administration? Was Mr. Erskine known to have any power for making that arrangement?

Permit me now, sir, to state what I understand to be a letter of credence. It is a letter of state addressed to the government to which a minister is sent, and it is expressive of the character and grade of diplomacy with which he is invested; if the minister be received, he must be received according to the letter of credence and not otherwise.

This is so much the established course, that where a minister remaining at any government is promoted to a higher grade of diplomacy, he presents letters of recall as to the lower grade and of credence as to the higher grade in which he is to be received. The authority which a minister has in virtue of a letter of credence is not to make promises for his government. He may declare facts; he may present complaints and remonstrances; he may exhibit his powers of argument; he may discuss topics of great interest, but he cannot stipulate for any thing to be done as obligatory on his government. For this purpose the minister must have a distinct authority. This I understand to be the general usage, not however without exception. The exception has been made with respect to a nuncio or legation from the Pope, whose letter of credence was so framed as to include the necessary authority to negotiate or conclude arrangements. This authority was added to the necessary clause of a letter of credence, and the essentials of two diplomatic documents were comprehended in one. But the mere letter of credence gives no such authority. In support of these positions, I would refer gentlemen to writers on public law whom I presume they will admit to be correct on this topic—Martens, Vattel, Wicquefort; writers of authority certainly as to the known diplomatic usage in Europe. Others perhaps might have been named, if I had found opportunity in this place to consult all the writers worthy of attention.

It may now be proper to state what I consider to be the full power, which expression is almost technically appropriate in diplomatic language. It is a document not addressed to the government to which a minister is sent. It is in the nature of an open letter addressed to mankind in general, and committing to the minister bearing it the necessary authority to negotiate and eventually to conclude terms of agreement respecting the subject or subjects therein mentioned. It is a public commission expressing the powers to be exercised, a document of ample form, a letter patent, a public act authenticated under the seal of government. And this the minister exhibits in manifestation of his being fully empowered to negotiate and stipulate on the part of his government. The full powers are especially proper in the more solemn agreements, and in cases of formal treaty between independent nations.

(Mr. Dana's Speech to be continued.)

FRIDAY, DECEMBER 22.

Mr. Troup obtained leave of absence for two weeks.

Mr. Love reported a bill to establish a college in the city of Washington.

On motion of Mr. Livermore, it was agreed that when the House adjourned, it adjourn till Tuesday next.

On motion of Mr. Lewis, the report of the Surveyor of the Public Buildings was referred to a select committee consisting of Messrs. Lewis, Stanford, Livermore, Root and J. Brown.

The bill from the Senate to prevent the abuse of the privileges and immunities enjoyed by foreign ministers within the United States, was twice read and referred to a committee of the whole.

A message was received from the Senate informing the House that they had appointed